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EXAMINER

PATEL, SHEFALI DILIP

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- a. Figures 2-5
- b. Figures 7-12
- c. Figures 13-14
- d. Figure 16
- e. Figure 17

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:
 - a. Claims 1-7, 15, 16, 21, 22
 - b. Claims 8-10
 - c. Claims 1-10, 12-18, 21, 22
 - d. Claims 1-10, 12-19, 21, 22
 - e. Claims 8, 11

The following claim(s) are generic: none of the claims are generic to all of the species.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The common technical features in all groups of the species are the cap, the body portion and the leg portion of the channel tube portion, and the septum with a slit. These elements cannot be a special technical features under PCT Rule 13.2 because these elements fail to provide contribution to the art as such would have been obvious in the prior art in light of the teachings of the prior art references. US 5,961,497 teaches an injection port (Figures 1-3, connector [10]) with a cap (first housing section [28]), a body portion (second housing section [30]) and a leg portion (rigid tube [16]) of a channel tube portion, and a septum (seal [70]) with a slit [74] (column 5, lines 8-63)(column 6, lines 55-57). For this reason, a holding that these five groups of species do not have a single inventive concept is proper.

4. A telephone call was made to Benjamin Kiersz on March 17, 2008, to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is (571) 270-3645. The examiner can normally be reached on Monday through Thursday from 8am-5pm Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shefali D Patel/
Examiner, Art Unit 3767
03/17/2008
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767